

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA**

IN RE:)
)
C M HEAVY MACHINERY, LLC,) **Case No. 24-80617**
) **Chapter 11**
)
Debtor.)

**UNITED STATES TRUSTEE'S APPLICATION TO SHORTEN OBJECTION
DEADLINE AND SET EXPEDITED HEARING ON UNITED STATES TRUSTEE'S
MOTION TO CONVERT CASE TO CHAPTER 7**

Ilene J. Lashinsky, United States Trustee for Region 20 ("U.S. Trustee") hereby requests that the objection deadline to the U.S. Trustee's Motion to Convert Case to Chapter 7 [Dkt. No. 79] ("Motion") be shortened to February 13, 2025 and an expedited hearing be set on the Motion on February 20, 2025 at 10:30 a.m. in Courtroom 4 of the United States Bankruptcy Court for the Eastern District of Oklahoma. In support of this Application, the U.S. Trustee submits as follows:

1. On January 30, 2025, the U.S. Trustee filed her Motion pursuant to 11 U.S.C. § 1112(b).
2. Section 1112 of the Bankruptcy Code requires that a hearing on any motion to dismiss or convert filed under that section commence within 30 days of the filing of any such motion. *See* 11 U.S.C. § 1112(b)(3).
3. In conjunction with filing the Motion, the U.S. Trustee attempted to generate a notice of hearing utilizing the CM/ECF filing system. That notice provided a hearing date of March 12, 2025, a date beyond 30 days from the filing of the Motion.

4. The U.S. Trustee understands that her Motion be set on an expedited basis on February 20, 2025, so that the hearing on the Motion can be commenced within the timeframe contemplated by 11 U.S.C. § 1112.

5. In her Motion, the U.S. Trustee requests that this case be converted to a Chapter 7 case because of gross mismanagement that continues to this day. Gross mismanagement is a matter that must be addressed imminently and accordingly, the U.S. Trustee requests that the hearing be set on an expedited basis on February 20, 2025, so that the assets of the Estate are not dissipated.

6. The U.S. Trustee submits that the urgency and risk to the estate of continued gross mismanagement outweighs any value to creditors and parties in interest of 21 days' notice pursuant to Fed. Bankr. P. 2002(a)(4) and asks the Court to set the hearing on the U.S. Trustee's Motion on February 20, 2025.

WHEREFORE, the U.S. Trustee requests that the Court shorten the time to object to the United States Trustee's Motion to Dismiss to February 13, 2025, and shorten the time for notice provided in Fed. R. Bankr. P. 2002(a)(4) to expedite the hearing on the U.S. Trustee's Motion and set it on February 20, 2025, at 10:30 a.m. in Courtroom 4 of the Ed Edmondson US Courthouse, 101 N. 5th Street, Muskogee, OK 74401, as more fully set forth above.

Dated: January 30, 2025.

Respectfully Submitted,

ILENE J. LASHINSKY
UNITED STATES TRUSTEE

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